

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WOLFIRE GAMES, LLC, William Herbert
and Daniel Escobar, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:21-cv-00563-JCC

SEAN COLVIN, EVERETT STEPHENS,
RYAN LALLY, SUSANN DAVIS, and
HOPE MARCHIONDA, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:21-cv-00650-JCC

**DECLARATION OF CHRISTOPHER
BOYD IN SUPPORT OF DEFENDANT
VALVE CORPORATION'S MOTION TO
COMPEL ARBITRATION**

BOYD DECLARATION IN SUPPORT OF MOTION TO
COMPEL ARBITRATION (2:21-CV-00563-JCC) - 1

Fox Rothschild LLP

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SEATTLE, WA 98154

206.624.3600

1 I, Christopher Boyd, declare as follows:

2 1. I have been employed by Valve Corporation since 2008. I am a Software
3 Engineer at Valve, with responsibility for various aspects of our Steam service. I am over the
4 age of eighteen and competent to testify. I make this declaration on personal knowledge.

5 2. Valve develops and distributes video games and content for use on personal
6 computers. Valve also operates the Steam digital distribution and online gaming platform.
7 Steam includes (1) an online store, where users can purchase subscriptions and licenses for video
8 games that can be played online, digital content, and virtual items related to games, and (2)
9 features such as matchmaking, achievement tracking, game updates, and a library to store games.

10 3. Steam is free to use, but all users are required to first create a Steam account. As
11 part of the account-creation process, the user is presented with the Steam Subscriber Agreement
12 (“SSA”), which is also publicly accessible any time at [https://store.steampowered.com/
13 subscriber_agreement/](https://store.steampowered.com/subscriber_agreement/).

14 4. All users must accept the Steam Subscriber Agreement before creating a Steam
15 account. From 2017 to the present, users could create Steam accounts in several different ways:
16 through the “Create Your Account” webpage accessed through the Steam website, through the
17 Steam “client” (software users download onto their computers), or by using Big Picture mode (a
18 method of displaying the Steam client on a TV connected to a user’s computer). While there
19 were minor differences in how the account-creation process looked in each method, at all times
20 from January 1, 2017 to the present, a user could not create a Steam account through any of these
21 methods without affirmatively accepting the SSA by either clicking a checkbox or clicking a
22 button to indicate agreement.

23 5. At all times since at least January 1, 2017, the SSA was (and continues to be)
24 easily accessible on the account-creation screen either because the entire SSA was presented on
25 the same account-creation screen or through a hyperlink to the words “Steam Subscriber
26 Agreement” in the sentence requiring acceptance. Attached as **Exhibit A** are accurate

1 screenshots showing an example of the presentation of the SSA, and the requirement to agree to
2 it, during the Steam account-creation process through the “Create Your Account” webpage
3 accessed through the Steam website.

4 6. Purchases may be made on Steam only through a Steam account, created as
5 discussed above. Persons who purchase video games on Steam must agree anew to the SSA with
6 each purchase. Specifically, before Steam will allow a purchaser to complete any purchase for a
7 new video game—regardless of whether Valve or a third party developed and published the
8 game—the purchaser must click a checkbox that states, “I agree to the terms of the Steam
9 Subscriber Agreement.” The SSA is hyperlinked to the words “Steam Subscriber Agreement,”
10 which means clicking on those words opens a webpage containing the SSA’s full text.
11 Purchasers cannot complete any purchase until they click the box to accept the SSA. Attached as
12 **Exhibit B** are accurate screenshots demonstrating this process in the purchase of a game in the
13 Steam Store.

14 7. In late 2017, account-creation through the Steam client was updated to send users
15 to the “Create Your Account” webpage on the Steam website. Attached as **Exhibit C** are all of
16 the SSAs from January 1, 2017 to the present that were presented for acceptance (a) in any
17 purchase of a new game by any user, and (b) to users who created their accounts through the
18 “Create Your Account” webpage on the Steam website. Attached as **Exhibit D** are all of the
19 SSAs from January 1, 2017 to the present that were presented to users for acceptance when
20 creating Steam accounts through the Steam client or in Big Picture mode.

21 8. From my review of Valve’s records regarding the SSA, I determined that the
22 document attached as **Exhibit E** is an accurate copy of the Steam website SSA as of August 28,
23 2020. It has not changed since then.

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed this ²¹ day of June, 2021, in Bellevue, Washington.

3 DocuSigned by:

4 *Christopher Boyd*

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6 Christopher Boyd

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BOYD DECLARATION IN SUPPORT OF MOTION TO
COMPEL ARBITRATION (2:21-CV-00563-JCC) - 4

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CERTIFICATE OF SERVICE

I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle, Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within cause. On the date shown below, I caused to be served a true and correct copy of the foregoing on counsel of record for all other parties to this action as indicated below:

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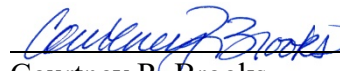
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17 *Attorneys for Plaintiffs*

18 I declare under penalty of perjury under the laws of the State of Washington that the
19 foregoing is true and correct.

20 EXECUTED this 23rd day of June, 2021, in Seattle, Washington.

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Courtney R. Brooks